

BLD-27

October 25, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 07-3172

UNITED STATES OF AMERICA

VS.

HARVEY HOLLAND

(M.D. PA. CRIM. NO. 01-CR-00195-6)
CRIMINAL TREATED AS CIVIL

Present: McKee, Rendell and Smith, Circuit Judges

Submitted is appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
in the above-captioned case.

Respectfully,

Clerk

MMW/SXB/nf/ar1

ORDER

The request for a certificate of appealability is denied. Jurists of reason could not debate that the District Court properly denied Holland's first claim as substantively being a second or successive motion under 28 U.S.C. § 2255. Had the District Court properly considered Holland's second claim as a claim under Fed. R. Civ. P. 60(b), jurists of reason could not debate the propriety of denying relief under Rule 60(b).



By the Court,

/s/ Theodore A. McKee
Circuit Judge

Dated: December 17, 2007 *Marcia M. Waldron*
Marcia M. Waldron, Clerk

ARL/cc: HH; WAB